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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 24 January 1946, 1000-1245; Lord Justice Lawrence presiding.

CAPTAIN PRICEMAN: If it pleases your Honor, the Defendant Streicher and the Defendant Kaltenbrunner are absent this morning due to illness.

SIR DAVID MAXWELL-FYFE: May it please the Tribunal, before the Tribunal adjourned, I was dealing at the time with the share of the Defendant Neurath in the aggression against Austria. Before I proceed with the next stage, I should like the Tribunal, if it be so kind, to look at the original exhibit from which I will read, Document 3287-PS, and I would like to state it is Exhibit 128, which is the letter from this Defendant to Sir Neville Henderson, who was then the British Ambassador. The only point in which I would be grateful is if the Tribunal would note page 92 of the Document Book - When I say original, that is a certified copy certified by the British Foreign Office, but the Tribunal will see that the heading is from the President of the Secret Cabinet Council. That is the point that the Tribunal will remember. The question was raised as to the existence or activity of that body and the letterhead is from the Defendant in that capacity.

The next stage in the Austrian aggression is that at the time of the occupation of Austria, this Defendant gave the assurance to M. Mastny, the Ambassador of Czechoslovakia to Berlin, regarding the continued independence of Czechoslovakia. That is one document at page 123, TC-27, which I have already put in as Exhibit GB-21. It was from Lord Halifax, who was then Foreign-Secretary; and if I may read the second paragraph just to remind the Tribunal of the circumstances in which it was written, M. Masaryk says:

"I have in consequence been instructed by my Government to bring to the official knowledge of His Majesty's Government the following facts: Yesterday evening (the 11th March) Field-Marshal Goering made two separate statements to M. Mastny, the Czechoslovak Minister in Berlin, assuring him that

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the developments in Austria will in no way have any detrimental influence on the relations between the German Reich and Czechoslovakia, and emphasising the continued earnest endeavor on the part of Germany to improve those mutual relations."

And then there are the particulars in which way it was put to Defendant Goering, which have been brought to the Tribunal's attention, and I shall not do it again. The 6th paragraph begins: "M. Mastny was in a position to give him definite and binding assurances on this subject, that is, to give the Defendant Goering on the Czech mobilisation - and then it goes on: "and today spoke with Baron von Neurath, who, among other things, assured him on behalf of Herr Hitler that Germany still considers herself bound by the German-Czechoslovak Arbitration Convention concluded at Lorcarno in October 1925."

In view of the fact that the Defendant von Neurath had been present at the meeting on the 5th of November, four months previously, he had heard Hitler's views on Czechoslovakia, and that it was only six months before that really negotiated treaty was disregarded at once. That paragraph is, in my opinion, an excellent example on the technique of which this Defendant was the first professor.

I now come to the aggression against Czechoslovakia. On 28 May 1938 Hitler held a conference of important leaders including Beck, von Brauchitsch, Raeder, Keitel, Goering and Ribbentrop, at which Hitler affirmed that preparations should be made for military action against Czechoslovakia by October, and it is believed though not - I say frankly - confirmed that the Defendant von Neurath attended. The reference of that meeting is in the transcript of page 742 and 743.

THE PRESIDENT: Sir David, is there any evidence?

SIR DAVID MAXWELL-FYFE: No. Your Lordship will remember the documents, a long series of them, and it doesn't state who was present; therefore, I express that and put it with reserve.

On the 4th of September 1938 the Government of which von Neurath was a member, enacted a new "Secret Reich Defense Law" which defined various

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official responsibilities in clear anticipation of war. This law provided, as did the previous Secret Reich Defense Law, for a "Reich Defense Council" as a supreme policy board for war preparations. If the Tribunal will remember that, I have already referred them to Document 2194-PS, U.S. Exhibit 36, showing these facts. Then there came the Munich agreement of 29 September 1938, but in spite of that, on the 14th March 1939, German troops marched into Czechoslovakia; and the Proclamation of Hitler to the German people and the Order to the Wehrmacht is Document TC.50, Exhibit GB-7, which the Tribunal will find at page 124, which has already been referred to and I shan't read it again.

On the 16th March 1939, the German Government, of which von Neurath was still a member, promulgated the Decree of the Fuehrer and Reich Chancellor on the Establishment ofthe Protectorate "Bohemia and Moravia". That date is the 16th of March. That is at page 126 of the Document Book, TC.51, Exhibit GB-8.

If I may leave that for the moment, I will come back to it in dealing with the setting up of the Protectorate. I will come back in a moment and read Article 5: but taking the events in the order of time, the following week, the defendant von Ribbentrop signed a Treaty with Slovakia, which is at page 129, and the Tribunal may remember Article 2 of that Treaty, which is:

"For the purpose of making effective the protection undertaken by the German Reich, the German armed forces shall have the right at all times to construct military installations and to keep them garrisoned in the strength they deem necessary, in an area delimited on its western side by the frontiers of the State of Slovakia, and on its eastern side by a line formed by the eastern rims of the Lower Carpathians, the White Carpathians, and the Javornik Mountains.

"The Government of Slovakia will take the necessary steps to assure that the land required for these installations shall be conveyed to the German armed forces. Furthermore, the Government of Slovakia will agree to grant exemption from custom duties for imports from the Reich for the maintenance

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of the German troops and the supply of military installations."

The Tribunal will appreciate that the ultimate objective of Hitler's policies disclosed at the meeting at which this Defendant was present on the 5th of November 1937. That is the resumption of the "Drang of lebensraum in the East". It was obvious from the terms of this Treaty, as it has been explicit in Hitler's statement.

Then we come to the fifth of this criminality. By accepting and occupying the position of Reich Protector of Bohemia and Moravia, the Defendant von Neurath personally adhered to the aggression against Czechoslovakia and the world. He further actively participated in the conspiracy of world aggression and he assumed a position of leadership in the execution of policies involving violating the laws of war and the commission of crimes against humanity.

The Tribunal will appreciate that I am not going to trespass on the ground covered by my colleagues and go into the crimes. I want to show quite clearly to the Tribunal the basis for these crimes which was laid by the legal position which this Defendant assumed.

The first point. The Defendant von Neurath assumed the position of Protector under a sweeping grant of powers. The act creating the Protectorate provided: If the Tribunal would be good enough to turn back on page 126 in the Document Book and look at Article V of the Act, it reads as follows:

"1. As trustee of Reich interests the Leader and Chancellor of the Reich, shall nominate a 'Reich Protector in Bohemia and Moravia.' His seat of office will be Prague.

"2. The Reich Protector, as representative of the Leader and Chancellor of the Reich and as Commissioner of the Reich Government, is charged with duty of seeing to the observance of the political principles laid down by the Leader and Chancellor of the Reich.

"3. The members of the Government of the protectorate shall be confirmed by the Reich Protector. The confirmation may be withdrawn.

"4. The Reich Protector is entitled to inform himself of all measures

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taken by the Government of the protectorate and to give advice. He can object to measures calculated to harm the Reich and, in case of danger, issue ordinances required for the common interest.

"5. The promulgation of laws, ordinances and other legal announcements and the execution of administrative measures and legal judgements shall be annulled if the Reich Protector enters an objection."

At the very outset of the Protectorate, the Defendant von Neurath's supreme authority was implemented by a series of basic decrees of which I ask the Tribunal to take Judicial notice. They established the alleged legal foundation for the policy and program which resulted, all aimed towards the systematic destructions of the national integrity of the Czechs.

1. By granting the "Racial Germans" In Czechoslovakia a supreme order of citizenship; and I give the official reference to the Decree of the Fuehrer and Reich Chancellor concerning the Protectorate to which I just referred; and then,

2. An Act concerning the representation in the Reichstag of Greater Germany of German Nationals Resident in the Protectorate: 13 April 1939.

3. An order concerning the acquisition of German citizenship by former Czechoslovakian citizens of German origin, 20 April 1939.

Then there was a series of decrees that granted "Racial Germans" in Czechoslovakia a preferred status at law and in the courts.

1. An order concerning the Exercise of Criminal Jurisdiction in the Protectorate of Bohemia and Moravia, 14 April 1939.

2. An order concerning the Exercise of Jurisdiction in Civil Proceedings, 14 April 1939.

3. An order concerning the Exercise of Military Jurisdiction on the 8th May 1939.

Then the orders also granted to the Protector broad powers to change by decree the autonomous law of the Protectorate. That is contained in the Ordnance on Legislation in the Protectorate, 7 June 1939.

And finally the Protector was authorized to go with the Reich Leader SS and the Chief of the German Police "to take, if necessary, such (police) measures which go beyond the limits usually valid for police measures."

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In view of the form of the order itself, the Tribunal, if it cares to listen and to take judicial notice of this, in the Reichsgesetzblatt we have found inserted that one in the Document book at page 131, which rather staggers the imagination to know what can be police measures even beyond the limits usually valid for police measures when one has seen police measures in Germany between 1933 and 1939, but if such increase was possible, and presumably it was believed to be possible than an increase was given by the defendant von Neurath, and used by him for coercion of the Czechs.

The declared basic policy of the Protectorate was concentrated upon the central objective of destroying the identity of the Czechs as a nation and absorbing their territory into the Reich, and, if the Tribunal will be good enough to turn to page 132, they will find in Document No. 862-PS, USA Exhibit No. 313, and I think that has been read to the Tribunal, still the Tribunal might bear with me so that I might indicate the nature of the document to them.

This memorandum is signed by Lt. Gen. of Infantry Friderici. It is headed "The Deputy General of the Armed Forces with the Reich Protector in Bohemia and Moravia". It is marked "Top Secret" dated 15 October 1940. That is practically a year before this defendant von Neurath went on leave, as he puts it, on 27 September 1941, and, it is called the "Basic Political Principles in the Protectorate," and there are four copies. It also had gone to the defendant Keitel and the defendant Jodl, and it begins: "On the 9 October of this year--" that is 1940:-

"On 9 October of this year the office of the Reich protector held an official conference in which State Secretary SS Lt. General K. H. Frank." That is not the defendant Frank. It is the other K. H. Frank. "--spoke about the following:

Since creation of the protectorate of Bohemia and Moravia, party agencies, industrial circles, as well as agencies of the central authorities of Berlin have had difficulties about the solution of the Czech problem.

After ample deliberation, the Reich Protector expressed his view about the various plans in a memorandum. In this, three ways of solution

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were indicated:

A) German infiltration of Moravia and reduction of the Czech nationality to a residual Bohemia.

This solution is considered as unsatisfactory, because the Czech problem, even if in a diminished form, will continue to exist.

B) Many arguments can be brought up against the most radical solution, namely, the deportation of all Czechs. Therefore the memorandum comes to the conclusion that it can not be carried out within a reasonable space of time.

C) Assimilation of the Czechs, i.e. absorption of about half of the Czech nationality by the Germans, insofar as this is of importance by being valuable from a racial or other standpoint. This will take place among other things, also by increasing the Arbeitseinsatz of the Czechs in the Reich territory, with the exception of the Sudeten German border district, in other words, by dispersing the closed Czech nationality. The other half of the Czech nationality must be deprived of its power, eliminated and shipped out of the country by all sorts of methods. This applies particularly to the racially mongoloid part, and to the "major part of the intellectual class. The latter can scarcely be converted ideologically, and would represent a burden by constantly making claims for the leadership over the other Czech classes, and thus interfering with a rapid assimilation.

Elements which counteract the planned Germanization are to be handled roughly and should be eliminated.

The above development naturally presupposes an increased influx of Germans from the Reich territory into the Protectorate.

After a discussion, the Fuehrer has chosen Solution C (assimilation) as a directive for the solution of the Czech problem, and decided that, while keeping up the autonomy of the Protectorate on the surface, the Germanization will have to be carried out in a centralized way by the office of the Reich Protector for years to come.

From the above no particular conclusions are drawn by the armed Forces. This is the direction which has always been represented from here.

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In this connection, I refer to my memorandum which was sent to the Chief of the Supreme Command of the Armed Forces, dated 12 July 1939, entitled 'The Czech Problem'."

and that is signed, as I said, by the Deputy Lt. General of the Armed Forces.

That view of the Reich Protector was accepted and formed a basis of his policy. The result was a program of consolidating German control over Bohemia and Moravia by the systematic oppression of the Czechs through the abolishment of civil liberties, and the systematic undermining of the native political, economic, and cultural structure by a regime of terror, which will be dealth with by my Soviet Union colleagues. They will show clearly, I submit, that the only protection given by this defendant was a protection to the perpetrators of innumerable crimes.

I have already drawn the attention of the Tribunal to the many honors and rewards which this defendant received as his worth, and it might well be said that Hitler showered more honors on von Neurath than on some of the leading Nazis who had been with the Party since the very beginning. His appointment as President of the newly created Secret Cabinet Council in 1938 was in itself a new and singular distinction. On September 22, 1940, Hitler awarded him the War Merit Cross 1st Class as Reich Protector for Bohemia and Moravia. That is in the Deutsches Nachrichten - Buero, (22/9/1940), 22 September 1940.

He was also awarded the Goldene Badge of the Party, and was promoted by Hitler personally from the rank of Gruppenfuehrer to Obergruppenfuehrer in the SS, on June 21, 1943. And I also inform the Tribunal that he and Ribbentrop were the only two Germans to be awarded the Adlerorden, a distinction normally reserved for foreigners. On his seventieth birthday, February 2, 1943, it was made the occasion for most of the German newspapers to praise his many years of service to the Nazi regime. This service, as submitted by the prosecution, may be summed up in two ways:

"1) He was an internal fifth columnist among the Conservative political circles in Germany. They had been anti-Nazi but were converted in part by seeing one of themselves, in the person of this defendant, wholeheartedly with the Nazis.

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2) His previous reputation as a diplomat made public opinion abroad slow to believe that he would be a member of a cabinet which did not stand by its words and assurances. It was most important for Hitler that his own readiness to break every treaty or commitment should be concealed as long as possible, and for this purpose he found in the defendant von Neurath his handiest tool."

That concludes the presentation against the defendant von Neurath.

THE PRESIDENT: In view of the motion which was made yesterday by counsel for the defendant Hess, the Tribunal will postpone presentation of the individual case against Hess, and will proceed with the presentation of the case by Counsel for France.

M. DUBOST (Counsel for France): If the Tribunal please, in the development of the exposure of charges which now weigh upon the defendants, my associates, the British and American Colleagues, brought the evidence that these men formed and executed a plan and plot for the domination of Europe. They have shown you what crimes against peace these men have committed themselves and made themselves guilty of in the launching of unjust wars. They have shown you that all this time the Nazi-Germany had premeditated unjust wars, and had participated in the conspiracy.

Next, my Colleagues and friends of the French Delegation have submitted documents establishing that the defendant chiefs in various degrees of Nazi-Germany are responsible for repeated violations of laws and customs of war committed by men of the Reich in the course of military operations. Their treatment, however, is for us to present the atrocities of which men, women, and children of the occupied countries of the West have been victims.

We intend to bring here the proof that the defendants in their capacity as chief of Hitler's Germany have systematically practised a policy of extermination, whose cruelty grew from day to day to the final defeat of Germany. That these atrocities were conceived and were prescribed by the Defendants as part and parcel of a system which was to permit them to accomplish and carry out a political design.

This political plan in the net which closely binds all the facts that we shall present to you, the crimes against persons and property as presented

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thus far by my colleagues of the French prosecution who were closely connected with the war. Therefore, added to that very clear character of war crimes in this sense were those that I shall present to you, that is, by their meaning and by their scope.

They entered into the plan of a policy of domination and expansion beyond the war itself. Thus, Hitler himself gave the definition of this policy in one of his speeches on 16 May 1926. He deceived his listeners on that day as to the dangers of France, and the Ruhr country of no more than forty million inhabitants. As to the danger that France could constitute for Germany, a country highly industrialized and having a population of seventy million men, on that day Hitler said, "There is only one way for Germany to escape this encirclement, that is, the destruction of the State, and that is to destroy its mortal enemy, namely, France. When the people see this entirely distinct menace of the enemy, it must have only one aim; namely, annihilation of their enemy."

During the first month that followed their victory, the Germans seemed to have abandoned their plan of annihilation, but this was only a tactic. They hoped to drag into their way England, then again the Union of the Soviet Republic, or nations of the West, which they had enslaved. Combining also future violations, they attempted to bring these nations of the West into the path of collaboration, but the people resisted.

Then the defendants abandoned their tactics and returned to their major project, the annihilation of districts of conquered people, in order to create in Europe a place necessary for two-hundred million

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Germans, whom they hoped to establish there in the course of generations to come. This destruction, this annihilation -- I repeat the very words of Hitler in his speech -- was undertaken on various projects, the elimination of inferior, or Mongoloid races, and the extermination of Bolshevism; the destruction of Judeo-Masonic influences hostile to a new pseudo-European order, in reality, of its destruction. This elimination, this extermination, turned out to be the liquidation of the allied sons, or living forces that were conflicting with Nazism. They attended to the reduction of fellow nations of people. All of this was done, as I shall demonstrate to you, in the execution of a deliberate plan, whose existence was crude, among others, by the repetition of the constancy of the things in all the occupied countries. Before this repetition, and this constancy, it is no longer possible to claim that only the one who executed the crime was guilty. This repetition and constancy proved the same criminal will, put together by the members of the German Government and by the defendants of the German Reich. It is out of this common will that was born the official policy of terrorism, and the extermination which directly places the executioners themselves for having participated in the formation of this common will that each one of the defendants here present has been placed in the rank of major war criminals. I shall return to this when having finished my presentation I shall have to remark about the juridical traditions of my country in giving a juridical classification of their crimes.

I shall give you now some indication as to the manner in which, with your authorization, I intend to continue my presentation. The facts are, I must prove to you the result from many kinds of testimony. We might have brought innumerable witnesses to the stand. Their declarations have been gathered by the French Office of Research of War Crimes. It seems to us that it would be, to simplify the session, to abbreviate this, to summarize them, and to give you only extracts from the testimony that we have received in writing.

I think, with your authorization, I shall limit myself to reading passages of the written testimony gathered in France by official organizations empowered to investigate the war crimes. However, if in the course of the

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presentation it appears necessary to call certain number of witnesses, we shall proceed to do so. That, with the constant presentation, will in no way cause the slowing of the sessions of the trial, and the bringing of the evidence to the trial as quickly as possible. It is what our people expect.

The whole question of atrocities is dominated by the German terrorist policy. In this aspect it is not with precedent in the Germanic practice of war. We have only to remember the execution of hostages during the war of 1914, the execution of hostages of Salnice. But not from within have they perfected this terrorist policy; for Nazism, terror is a means of subjugating. We all remember the film that was shown, the propaganda film that was shown on Austria, and particularly at the time of the invasion of Norway.

For Nazism, terror is a means of subjugating all enslaved people, to subject them to the end of their policy. The first vision of this terroristic policy during the invasion is vivid in the memory of all Frenchmen. They saw this terrorism appearing within the smallest period, only a few months after the signing of the Armistice, red-black edged posters announcing the first killing of hostages.

We know mothers who have witnessed the execution of their sons. These executions were carried out by the occupant after anti-German incidents. These incidents were the response of the French people to the official policy of collaboration. This resistance, the resistance against this policy, stiffened, became organized, and with it the repressive measures grew in intensit until 1944, the culminating point of German terrorism in France and in the countries of the west.

At this time the Army, the Police and the SS no longer spoke of executions of hostages; they organized veritable reprisal expeditions organized in the course of which entire villages were put to flame; thousands of civilians were killed or arrested and deported. But before reaching this stage, the Germans tried to justify their criminal exactions in the eyes of public opinion, and they published, as we shall show, a real code of hostages, and pretended merely to impose respect for their law each time they proceeded to carry out reprisal executions.

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The taking of hostages, as you know, is prohibited by Article 50 of the Hague Convention. I shall read this text to you. It is to be found in the fourth convention. Article 50.

"No collective, pecuniary, or other penalty may be decreed against populatinns by reason of individual acts for which they could not be considered responsible as a whole."

And yet the German General Staff, the German Government, will apply themselves to making this a dead letter, and erecting as a right, as law, the systematic violation of the Hague Convention. I shall describe to you how the General Staff formed its pseudo-law on hostages; a pseudo-law which in France found its definitive expression in the hostage code of Stuelpnagel. I shall show in passing which are the Defendants who are chiefly responsible for these crimes.

On the 15th of February 1940, in a secret report, addressed to the Defendant Goering, the OKW justifies the taking of hostages, as is proved by the extract of Document No. 1585-PS, which I propose to read to you. This document is dated Berlin, 15 February 1940. It bears the mention, "Supreme Command of the Army, Secret, To the Minister of the Reich of Aviation; Supreme Command of the Air Army. Subject: Arrest of Hostages.

"According to the opinion of the OKW, the arrest of hostages is justified in all cases in which the security of the troops requires it for the execution of orders received. In most cases it will be necessary to have recourse to it in the case of resistance or hostility on the part of the populations of the occupied regions, with the qualification nevertheless that the troops shall be in combat or in a situation such that there exists no other way of assuring security."

The fourth paragraph: "As to the choice of hostages, their arrest shall take place only if hostile factions of the population have an interest in their not being executed. The hostages shall then be chosen in groups of the population from which a hostile attitude may be expected. The arrest of hostages shall be carried out among persons whose fate may influence the leaders."

This document is submitted by the French Delegation under No.267.

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To this thesis Goering never opposed any objection, to my knowledge. Here is, furthermore, a paragraph from an instruction, F-508, from the Commander-in-Chief of the Land Army in France, administrative section, signed "Stroccius," 12 September 1940, three months after the beginning of the occupation. The hostages are defined therein in the following manner. I quote page two, number four:

"Hostages are inhabitants of the country who guarantee with their lives the faultless attitude of the population. The responsibility for their fate is thus placed into the hands of their compatriots. Hereafter the population must be solely threatened with seeing the hostages made responsible for unfriendly acts of any individual. Only French citizens may be taken as hostages. The hostages can be made responsible only for actions committed after their arrest and after the public proclamation."

The same definition of hostages is to be found in ordinance F-510 of 26 March 1941, signed Stuelpnagel. This ordinance annuls five previous ordinances of the 12th of September 1940. This has been discussed in numerous texts, and two General Staff orders, whose dates are indicated at the head of the document, 2 November and 13 February, page two, "General occasions. If acts of violence are committed by the inhabitants of the country against the members of the occupation army.

"If offices and installations of the army are damaged or destroyed, or if any other attack is directed against the security of German services or units, and according to circumstances, the population of the locality of the crime or the neighboring region can be considered as responsible or co-responsible for its acts of sabotage, and measures of prevention and of repression may be ordered, by which the civil population is to be terrorized in the future, and it will be prevented from committing or provoking or allowing similar acts. The population is to be treated as co-responsible in actions of sabotage of individuals if as a result of its general attitude toward the German armed forces it has favored hostile or unfriendly acts of any individuals; if by its passive resistance in the course of investigation of previous acts of sabotage it has encouraged ill-intentioned elements to similar acts; or, furthermore, if it has created a favorable atmosphere for oppositior

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to the German occupation. All measures must be taken in such a way as to make their execution possible. Threats without execution give the effect of weakness."

These two lines are at the top of page three of the French text. I submit these two documents under Nos. 268 and 269 in the French document book.

Until now we don't find any trace in these German texts of affirmation which led one to think that the taking of hostages constitutes a right for the occupying forces; but here is a German text which in an explicit manner formulates this idea. It is cited in your book of documents F-507, dated Brussels, 18 April 1944. It

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comes from the Chief Judge with the military Commander-in-Chief in Belgium and in the North of France, and it is addressed to the German Armistice Commission in Wiesbaden. Its subject is the execution of eight terrorists in Lille, the 22nd of September, 1943. The reference - Document of Lille. I shall read to you from the middle of the second paragraph of the text:

"I maintain my point of view, namely, that the measures taken by Oberfeldkommandatur of Lille of the 2nd of March, 1944" -- there is a typographical error; it is '43 -- "rest on solid juridical bases in spite of the opinion of the Armistice Commission. The Armistice Commission is in a position to declare to the French that in all cases in which it should wish to enter into details in this regard, executions have been carried out in conformity with the general principles of law regarding hostages."

It is therefore quite obviously a doctrine of state which is involved. Innocent pepple become hostages. They answer with their lives for the attitude of their fellow-citizens in regard to the German Army. If a violation is committed to which they are completely strangers, they are subject to a collective penalty which may entail the death penalty. This is the awful rule imposed by the German High Command in spite of the protests of the German Armistice Commission. I say this was the thesis imposed by the German command, and I here wish to give the proof of this.

Keitel, on the 16th of September 1941, signed a general order which has already been read, which has been submitted by my American colleagues under No. 389-PS, which I shall merely comment on. This order applies to all the regions of the West and the Northwest, as the list of addressees indicates; all the military commanders of the countries then occupied by Germany -- France, Belgium, Norway, Holland, Denmark, Eastern Territories, Ukraine, Serbia, Salonica, southern part of Greece, Crete. This order was applied during the whole duration of the war. We have a text of 1944 which refer to it. This order of Keitel's, Chief of the OKW, is dictated by a violent spirit of anti-Communist repression. It is aimed at all kinds of repression with regard to the civilian population. This order which applies even to commanders, whose troops are stationed in the West, indicates to them, points out to them,

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that in all cases in which assaults are committed against the German Army it is necessary to establish -- I read the second paragraph of the text -- it must be established that it is a mass movement which is involved, directed by Moscow, according to a total plan, to which may also be imputed the isolated actions of minor importance which may occur in regions which have remained quiet until then.

Consequently Keitel orders, among other things, putting to death fifty to one hundred Communists for each German soldier killed. This is a political idea which we shall meet again constantly in all the manifestations of German terrorism.

For the German propaganda, all resistance to Germany is of Communist inspiration, if not of Communist essence. The Germans thereby hoped to eliminate from the resistance the nationalists considered hostile to Communism but the Nazis also pursued another aim: they still hoped, and especially did they hope, to divide France and the other conquered countries of the West into two hostile factions, and to put one of these factions at their service under the pretext of anti-Communism.

THE PRESIDENT: Would that be a convenient time to break off for ten minutes:

(A recess was taken from 1120 to 1130 hours.)

M. DUBOST: We had reached the order of the 16th Of September, 1941, signed by the Defendant Keitel, which germinates, as I explained to you, through the question of hostages. The order of the 24th of September, 1941, of Keitel confirmed this. We submit it as No. 271, as you will find it in your document book, RS 554. I shall read to you the first paragraph:

As a result of thedirectives emanating from the Oberkommando of the Wehrmacht, there was published September 16, 1941, a regulation relative to the revolutionary movements in occupied countries. The regulation was addressed to the Minister of Foreign Affairs, directed to the attention of Ambassador Ritter. The regulation also treats the question of capital punishment in military tribunals. The result is that henceforth the most severe measures must be taken in occupied territories.

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The choice of hostages is also indicated in Document 877-PS, which was prior to the aggression of Germany against Russia. It is necessary to remind the Tribunal of this document again, because it shows premeditation of the German Command and the Nazi Government to divide the occupied countries, to withdraw the patriotic characteristics from the partisans, and to substitute a political characteristic which it never had. You will find on page 2, 4th paragraph of the document, the following sentence:

In this respect we can consider, and should, aside from the adversaries who habitually fought against our troops, this time we must add an element of the civilian population, particularly dangerous, destroying all established order and carrying out the judeo-bolshevistic propaganda. There is no doubt that everywhere where they are able they utilize against the German Army in combat and while pacifying the country, the weapon of disintegration and of traps." End of the quotation.

This document is an official document coming from the General Staff of the German High Command. It expresses the general doctrine of all German headquarters staffs. Now, it is Keitel who presided over the formation of these Party doctrines. It is he who ordered this policy. He is not only then a man of war under the orders of his government; he is also a Nazi politician whose acts or whose actions arethose of a war leader and also the actions of a politician who serves the policy of the Nazi Party. This is proved by the document which I have just read to you -- a general who is also a politician, where both politics and the direction of the war mingle togethe: into one preoccupation. That does not seem surprising for those who know the German line of thought, who never separated war and politics.

This is doubly important. This constitutes a direct charge which is overwhelming against Keitel. It is he who made the General Staff of the German Army. You will see this in this document -- that the indictment of Keitel is justified, for the German General Staff dipped into criminal politics of the German Cabinet.

For France, the general orders of Keitel were adopted by Stuelpnagel in his order of September 30, 1941, better known in France under the code

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name for hostages, which specifies and recapitulates previous orders, notably that of the 23rd of August, 1941, This order of September 30, 1941, is of major importance. In order to present the circumstances under which th French hostages were subject, I shall be obliged to give you large extracts. It defines, in paragraph 3, the category of Frenchmen who will be considered as hostages. I shall read this document, which I submit before this Tribunal under the No. 274. The first paragraph, after the heading "Seizure of Hostages":

"August 22, 1941:

"I have had the following communication published: The morning of August 21, 1941, a member of the German Army was a victim in Paris of attempted murder and he died thereof. I decided, consequently, first, that all Frenchmen actually in custody for whatever cause he may be, in a German office or in behalf of a German office, will be considered from August 23 on as hostages. Among these hostages a certain number will be shot subsequently, relative to the seriousness of the act committed.

"Secondly, September 19, 1941, I ordered by a memorandum to the Ambassador of the French Government attached to the military commander-in-chief inFrance that after September 19, 1941, all Frenchmen of male sex who were in custody for communistic or anarchistic activity, whether in custody by the French offices or who will be found in the future, must be put by these French

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authorities in custody. According to my note or memorandum of August 22, 1941, and according to my order of September 19. 1941, the following persons are consequently hostages:

"(a) All Frenchmen who are presently in custody of the German authorities for any reason whatsoever; for instance, arrested by the police, protective custody, andpunitive custody;

"(b) All Frenchmen who are in custody of the French authorities in France for the German authorities. To this group belong --

"(aa) All Frenchmen who have been arrested by the French authorities for anarchistic or communistic activities;

"(bb) All Frenchmen who must fulfill a penalty which deprives them of liberty under the control of the French authorities at the request of German military tribunals;

"(cc) All Frenchmen who, upon the request of the German authorities, were arrested by the French authorities or will be kept in custody or who shall be handed over to French authorities by the German authorities with the mission to keep them imprisoned.

"(c) The inhabitants of the countries which belong to no state and who have been living for a long time in France shall be considered as Frenchmen according to my proclamation of August 22, 1941.

"Thirdly, the freeing of prisoners: Persons who were not in custody August 22, 1941, and September 19, 1941, but who were arrested later or who will be arrested, in the measure that the preceding documentations do not concern them, will not be considered as hostages. The freeing of prisoners who are imprisoned after the fulfillment of the penalty, by an order for freeing them or for any other reason, will not be affected by my proclamation of August 22, 1941. Those persons who are released cannot be considered as hostages in the measure in which these persons are imprisoned by the French authorities for communistic and anarchistic activity, their liberation is possible, as I have informed the French Government, only with my approval."

At the end of this paragraph you will read this sentence;

"Among these groups of Frenchmen who may be exploited by the German military command, we may, if an incident happens, make a list of those hostages

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who are to be executed immediately.

THE PRESIDENT: Which paragraph are you reading?

M. DUBOST: I shall read all the text, if you will permit me to do it, sir.

Paragraph 4.: "If an event takes place which renders necessary, in accordance with my proclamation of August 22, 1941"---

THE PRESIDENT: You are still reading which paragraph?

M. DUBOST: Paragraph 6, page 4:

"If an event takes place which makes it necessary, according to my proclamation of August 22, 1941, to shoot hostages, the execution must immediately follow the order. The leaders in the various districts, must, consequently, select within their district, among all the prisoners, those who particularly may be selected for execution and place them on a list of hostages. These lists of hostages serve as a basis for proposals which must be made in the case of execution.

"According to observations made up to now, we admit that those who commit crimes come from terroristic circles and communistic or anarchistic circles. The leaders of the various districts, have, consequently, to choose immediately among those in custody the persons who, because of their prior communistic or anarchistic attitude or because of their functions in similar organizations must be considered first of all as suitable for execution.

"In the selection we must take account of the fact that the repressive efficacy of the execution of hostages is all the greater, as the authors of the crime, upon the persons who, in France and in foreign countries, bear the spiritual responsibility of those who issue orders or who are propagandists for action of sabotage and terrorism; that such persons who are known shall be executed.

"Experience proves that those who issue orders, and political circles which have an interest in such crimes, scorn the life of the petty accomplices. But, on the other hand, they protect to the maximum degree the life of the former officials who are known. Consequently, we must place at the head of the list: (a) Former deputies and officials of Communist or Anarchist organizations."

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Permit me to make a commentary, gentlemen. There never were any anarchistic organizations among the parliamentary personages, and this paragraph (a) could only mean former deputies and officials of the Communist Party. We know, moreover, that some were executed by the Germans as hostages.

"(b) Persons -- intellectuals -- who had made an effort to disseminate Communistic thought by word of mouth or by writing.

"(c) Persons who, because of their attitude, have shown their dangerous activity.

"(d) Persons who collaborated in the distribution of pamphlets..

One idea is dominant in this selection: "We must punish the elite." In conformity with paragraph (b), we shall see that the Germans shot, in 1941 and 1942, in Paris and in the provincial cities, numerous intellectuals. I shall come back to these executions later, and I shall give you examples of German atrocities committed in relation to the German policy of executing hostages in France.

I return to the text now:

"Secondly, a list of hostages taken amojg deGaullist prisoners is to be established according to the same directives.

"Thirdly, Germans 'of the blood' having French nationality, who are imprisoned because of their communistic activies may be included in the list. Their German origin must be pointed out in the form which is joined to this directive.

"Persons who have been condemned to death but who have been pardoned, may be placed on these lists.

"Fifth, in the list for each district 150 persons, and for the commander of greater Paris from 300 to 400 persons, must be put on the list. As far as possible, we must find, among the people living in the district where the crimes were committed, the leaders of the districts. There must then be put upon the list persons whose last residence or domicile was in their district."

Last paragraph of the fifth section:

"We must take account especially of new arrests and new freeing of prisoners or hostages.

In the seventh place -- in the Roman characters in the French text,

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page 8 -- the program for exeuctions:

"If an instance occurs which makes necessary the execution of hostages, according to my proclamation of August 22, 1941, the district leader in which the instance occurs should select from the list of hostages persons whose executions he wishes to propose to me. During this selection he must, as far as possible, select persons belonging to a circle which probably contains guilty persons."

I skip a paragraph.

"For executions, persons may not be proposed who are in custody at the time of the crime.

"The proposal must give the number of the persons who are proposed for execution, the number among which the order was commanded, and the names of those for which the order was given."

I read now at the very end of Paragraph VIII:

"At the time of the internment or burial of the bodies, we must avoid, through a common grave of a considerable number of persons in the same cemetery, that shrines for pilgrims may thus be created which, now or later, will become centers for the propagation of anti-German propaganda. For that reason, as far as possible,

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the burial must take place in different localities."

Parallel to this document, which relates to France, there exists in Belgium an order of Falkenhausen of 17 September 1941, which you will find on page 6 of the official report on Belgium, No. 643, which I shall submit under the number 275.

I beg your pardon, gentlemen. I have sent for the German text to hand over to the interpreters. If you will permit me, I shall read you the translation in French. If you consider it necessary, we shall subsequently give the time for the German interpreter to read the German text.

THE PRESIDENT: Is the Belgian document in substantially the same terms as the document you have just read?

M. DUBOST: Yes, Mr. President.

THE PRESIDENT: Then I don't think you need to read that.

M. DUBOST: As you wish.

Since it will not be necessary either to read completely the warning of Seyss-Inquart which related to Holland, I think that going back to a good number of these documents which are in your document book, you may exhaust those elements which may convict the defendants, which confirm only what I have already read in the ordinance of Suelpnagel.

For Norway and Denmark there is a teletyp e to the Supreme Command of the Navy, dated 30 December 1944, from Keitel, which you will find in the Document Book, C-48. I read the conclusion of paragraph 1:

"Any workman in a work yard should know that any act of sabotage occurring within his sphere of activity will bring about for him personally, or for his relatives, the most serious consequences."

Page 2, of Document 810-PS:

"In the fourth place, I have received a teletype from Field Marshal-General Keitel requesting the publication of an ordinance according to which the immediate responsibility of relatives would be considered, those relatives being considered collectively responsible for acts of sabotage resulting in these industrial undertakings."

Note the phrase which follows. He condemns Keitel.

THE PRESIDENT: Do I understand that in Belgium, in Holland, in Norway, and in Denmark there were similar orders or decrees with reference to hostages?

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M. DUBOST: Of course, Mr. President, in the reading for Belgium, Norway, Holland -- for Belgium, for instance, you will find this at page 6, Document 683, which is the official document of the Belgian Minister of Justice:

"In the fifth place"--

THE PRESIDENT: Which page?

M. DUBOST: Page 6 of the French text.

THE PRESIDENT: But what is the number of the document?

M. DUBOST: Number 683.

"Brussels, 29 November 1941"---at the top of the first page, to the right. "A decree of Falkenhausen, 17 September, 1941." Paragraph 5, in the middle of the page:

"In the future, the population must expect that any attack on the German Army or the German Police, in the event that the guilty are not arrested, a number of hostages proportionate to the gravity of the offense shall be taken, and, in the event the person dies, will be shot.

All those in custody in Belgium will be considered immediately as suitable for hostages."

THE PRESIDENT: I didn't want you to read these documents if they are substantially in the same form as the document you have already read.

M. DUBOST: They are about in the same form, Mr. President. I submitted them because they constituted the proof of the systematic repetition of the same methods to arrive at the same end, to wit, to cause terror to reign in all occupied countries.

If your Tribunal considers as established that these methods were systematically used in all the Western regions, naturally I shall spare you the reading of these documents, which are monotonous, and which repeat substantially the documents which relate to it.

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THE PRESIDENT: Perhaps you had better give us references to the documents which concern Belgium, Holland, Norway and Denmark.

M. DUBOST: I repeat, for Belgium it is 683, page 6, decree of Falkenhausen of 17 September, 1941, submitted under the number 275, as being the official report of the Kingdom of Belgium against the principal war criminals. The second document is C-46, which corresponds to UK-42.

THE PRESIDENT: C-46?

M. DUBOST: Yes, corresponding to UK-42, 24 November, 1942, submitted under the number 275, for Holland, a warning or notice by Seyss-Inquart, which it may possibly seem necessary to you that I read, since Seyss-Inquart is one of the Defendants.

THE PRESIDENT: Very well.

M. DUBOST: It is within the official report of Holland, 224-A.

THE PRESIDENT: Are you sure it is C-46 and not C-48? I don't seem to have C-46; I only have C-48.

M. DUBOST: C-46, UK-42. It is also listed as UK-42 in your document book. You will find in the corner to the left the number 1337.

THE PRESIDENT: Very well.

M. DUBOST: For Holland, 224-A.

"For the destruction or the deterioration of forests and electrical cables I consider responsible all the population of the community in the territory in which these acts took place. The population of these communities must expect that reprisals will be taken on private property and that houses--"

THE PRESIDENT: I am afraid I don't know where you are reading. Which paragraph are you reading?

M. DUBOST: This document has not been bound with the official Dutch report, so I shall have to submit it at the end of this hearing.

"The population of these communities must expect that reprisals will be taken against private property, and houses and whole blocks

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will be destroyed."

THE PRESIDENT: M. Dubost, are you reading from C-46?

M. DUBOST: I have only submitted C-46; I am not reading from it.

THE PRESIDENT: Are you reading from some other document?

M. DUBOST: I quote now another document, the notice or warning of Seyss-Inquart towards the Dutch.

THE PRESIDENT: And that is what number?

M. DUBOST: Number 152 in the document book concerning German justice, which will be submitted for the hearing tomorrow.

THE PRESIDENT: M. Dubost, are you now proposing to read from some document which is not in our document book?

M. DUBOST: I shall read it tomorrow, Mr. President.

THE PRESIDENT: Very well, you will read it tomorrow.

M. DUBOST: For Norway and for Denmark we have several documents which establish that the same policy of the execution of hostages was followed. We have, notably, document C-48, from which I read a short time ago.

All these special orders for each of the occupied regions of the West are the result of the general order of Keitel, which my American colleagues have already read, and I have merely given a commentary on this order this morning.

The responsibility of Keitel in these developments of the policy of the execution of hostages is total. Notice was given that the German Generals themselves anticipated that this policy surpassed the purpose which was contemplated and might become dangerous.

On September 16, 1942, General Falkenhausen addressed a letter to him, from which I extract the following passage--number 1594-PS, which I submit under the number 280.

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THE PRESIDENT: Did you say 1594?

M. DUBOST: Yes, I quote:

"In this letter we find a chart of the execution of hostages which took place up to this time in the sector over which I had charge. For a great part of the cases, especially for the most serious, the authors were subsequently arrested and were condemned. This result is in no wise susceptible to bringingabout any mitigation of facts which were less intimidating, as far as the law is concerned, to the prejudice of the population. Any abyss which had been created in the population between the communists and the remainder of the population was filled. All circles were filled with a hatred against the occupation forces. An important element of hatred was the enemy propoganda. The result was that all sorts of general repercussions resulted which were of an inopportune nature.

"Signed: Falkenhausen."

1587-PS, third page, from the same German general, seems quite lucid--in the third paragraph of the third sheet. Elsewhere I wish to point out the following:

"In several cases the authors of aggression and sabotage"--

THE PRESIDENT: Wait a moment. We haven't found the document yet.

M. DUBOST: 1587-PS, fourth sheet.

THE PRESIDENT: M. Dubost, these documents are not all numbered, so that they are very difficult to find.

M. DUBOST: The fourth page, third paragraph. Elsewhere in this document from the same general I wish to point out the following:

"In several cases the authors of aggression or acts of sabotage were discovered when the hostages had already been shot, shortly after the criminal acts had been committed, in conformity with the instructions that had been received. Elsewhere, the true authors often didn't belong to the same circles as the hostages. Unquestionably in such cases the execution of hostages does not inspire terror but indifference on the part of the population, which had been passive up to that time. It thus negatively in regard to the occupying power was favorable to the English agents, who were often instigators of these acts. It is then necessary to prolong the delays in the hope that we may arrest the culpable or guilty persons, and also to get the greatest cooperation in the struggle against these terroristic

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activities.

THE PRESIDENT: Do you know what the date of that document was?

M. DUBOST: It is after the 16th September 1941. We don't have the exact date. The document is appended to another document, whose date is illegible, but it is after the order of Keitel in regard to the execution of hostages. It concerns the application of this order of Keitel.

"After the execution of the hostages who had been considered guilty, this fact had awakened the resentment of the population."

You will find also in this document 1587, on page 2, an extract of the monthly report of the commander of the Wehrmacht in Holland--the report for the month of August, 1942, a new notice or warning from Keitel:

"Special political situation: On the occasion of an attempt against the train which contained soldiers on leave, and which was to arrive according to schedule at Rotterdam, a Dutch guard was seriously wounded because he touched a wire which was connected with an explosive charge, and thus was wounded as a result of the explosion. In the Dutch press the following repressive measures were announced. The term of the fixed day for the arrest of authors of crimes, with the collaboration of the population, is fixed at 14 August to midnight. A reward of 100,000 florins was fixed for a denounciation, which would remain confidential. In the event the authors of this crime were not arrested within the fixed day, the threat was given to execute hostages who watched over Dutch railway lines. Despite this summons, the author of the crime was not discovered and could not be found anywhere. Accordingly, the following hostages who had for several weeks been in custody as hostages were shot upon the order of the Chief of the SS and of the police."

I pass over the enumeration of the names. I am at the following paragraph and I read:

THE PRESIDENT: Will you read, not the names but the offices?

M. DUBOST: Ruys Wil lem, General Director at Rotterdam; Comte E.O.G. Limburg-Stirum; M. Baelde Robert, a Rotterdam jurist; Bennkers, Christoffel, former General Inspector of the Police at Rotterdam; Baron Alexandre Schimmel Pennik.

One paragraph further on:

"Public opinion was particularly impressed by the execution of these hostages. The report of the 6th of June expressed the opinion that from the

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beginning of the occupation no attempt against the Germans was more deeply felt. Numerous anonymous letters, even signed letters, sent to the commander of the Wehrmacht, who was considered as responsible for this unheard of event, showed the diverse feelings among the general public. Since that hateful insult, or devout conspiracy, they were asked not to have recourse to such extreme measures.

"We have found among that correspondence reproaches for petty infractions, reproaches which had a serious foundation and which make one reflect that despite all that happened there might have been some possibility of a German-Dutch agreement, and that now all that had been spoiled. Such methods simply were of benefit to the communists, who must rejoice that they succeeded., when they were alone the true saboteurs and had accomplished a useful purpose which had placed them in a position of having people in other circles executed. Such a repudiation among the German-Hollanders, such hatred, has never been observed to that time.

"Signed: Schneider, Captain."

Despite these warnings, which were expressed by confidential subordinates, neither the General Staff nor Keitel ever gave any order to the contrary. The order of 16 September, 1941, always remained in force. I shall show you examples of the execution of hostages in France and a number of other facts which I will utilize, dated in 1942, 1943, and even 1944.

(Whereupon at 1245 hours the Tribunal adjourned to 1400 hours.)

File

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 24 January 1946, 1400-1700. Lord Justice Lawrence presiding.

COURT OFFICER: If your Honor please, the defendants Kaltenbrunner and Streicher will continue to be absent during this afternoon's session.

THE PRESIDENT: Will you please put on your earphones?

The Tribunal had some difficulty this morning in following the documents that you were citing, and also the Tribunal understands that the interpreters had some difficulty because the document books -- except the one that is before me -- have no indications of the "PS" or other numbers, and the documents themselves are not numbered in order. Therefore it is extremely difficult for members of the Tribunal to find documents, and it is also extremely difficult for the interpreters to find any document which may be before them.

So, this afternoon, it will be appreciated if you will be so kind as to indicate what the document is, and then give both the interpreters and the Tribunal some time in which they may find the document and then indicate exactly which part of the document you are going to read -- that is to say, whether it is the beginning of the document or the first paragraph or the second, and so on. But you must bear with us if we find some difficulty in following you in the documents.

M. DUBOST: I had finished this morning presenting the general rules which prevailed during five years of occupation in the matter of the execution of numerous hostages in our occupied countries of the West. I brought you the proof, the evidence, by reading a series of official German documents -- that the highest authorities of the Army, of the Party and of the Government of the Nazi Regime had deliberately chosen to practice a terroristic policy through the seizure of hostages.

Before passing to the examination of a few particular cases, it seems to me to be necessary to say exactly wherein this policy consisted, in the light

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of the texts which I have quoted. According to the circumstances, people belonging by choice or ethnically to the vanguished nations were apprehended and held as a guarantee for the maintenance of order in a given sector, or after a given incident of which the enemy army had been the victim. They were apprehended and held in lieu of obtaining the carrying out by the vanguished population of acts determined by the occupying authority, such as denunciation, payment of collective fines, the handing over of perpetrators of assaults committed against the German Army, the handing over of political adversaries, and these persons thus arrested were very often massacred subsequently by way of reprisal.

An idea emerges from procedure of this kind, namely, that the hostage who is a human being becomes a private guarantor subjected to seizure determined by the enemy. How contrary this is to the rule of individual liberty, of human dignity! All the members of the German Government are jointly responsible for this iniquitous concept and for the applications that were made of this concept in our vanguished countries. No member of the German Government can reject the responsibility attaching to subordinates by claiming that they merely executed clearly determined orders with an excess of zeal. I have shown you that upon many occasions, on the contrary, the persons who carried out the orders reported to the chiefs the moral consequences of the application of the terroristic policy of hostages. And we know that in no case were contrary orders given. We know that always the original orders were maintained.

I shall not endeavor to enumerate in their totality all the cases of executions of hostages. For our single country of France there were 29,660 executed. This is proved in Document RF-420, dated Paris, 21 December 1945, the original of which shall be submitted under No. 266 to your Tribunal. It is at the beginning of the document book -- that is the second. You see there in detail, Region by Region, the number of the hostages who were executed for the Region of:

Lille	1143
Laon	222
Rouen	658
Anger	863
Orleans	501
Reims	353

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Dijon	1691
Poitiers	82
Strasbourg	211
Rennes	974
Limoges	2863
Clermont Ferrand	441
Lyon	3674
Marseille	1513
Montpellier	785
Toulouse	765
Bordeaux	806
Nancy	571
Metz	220
Paris	11000
Nice	324
TOTAL	29,660

I shall limit my presentation to a few typical cases of executions which unveil the political plan of the General Staff which prescribed these executions -- plans of terror, plans that were intended to accentuate the division between Frenchmen, or more generally, between citizens of the occupied countries. You will find in your document book a brief quoted -- F-133, which I submit under No. 288. This is called "Posters of the Paris Region," Document F-133. At the head of the page you will read, "Pariser Zeitung." This document reproduces a few of the very numerous posters and bills, some of the numerous notices inserted in the press from 1940 to 1945, and announcing the arrest of hostages in Paris in the Region of Paris and France. I shall read only one of these documents which you will find on the second page. It is the one entitled No. 6, 19 September 1941. You will see in it an appeal to informing to reason; you will see means of corruption called for, means systematically applied to all the countries of the West for years. These means have tended -- all of them -- to an equal extent to demoralize the population:

"21 August. Appeal to the population of occupied territories. On the 21st of August cowardly murderers attacking from behind opened fire on a German soldier and killed him. In have in consequence on 23 August ordered that hostages be taken. I have threatened to have a certain number of them shot, in case such assault should be repeated. New crimes have obliged me to put this threat into effect. In spite of this, new assaults have taken place. I recognize that the population in a great majority is conscious of its duties, which are to help the authorities in their unremitting effort to maintain calm

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and order in the country, in the very interest of this population. This is the appeal to denunciation. But among you there are agents paid by the enemy powers of Germany, Communist criminal elements who have only one aim, which is to sow discord between the occupying power and the French population. These elements are completely indifferent to the consequences which result from their activity for the entire population. I don't want the lives of German soldiers to be any longer threatened by these assassins. I shall stop at no measure in order to fulfill my duty, however stringent it might be; but it is likewise my duty to make the totality of the population responsible for the fact that up to the present it has not been possible to put our hands on the cowardly murderers and to impose upon them the penalty which they deserve. That is why I have found it necessary for Paris, first of all, to take measures which unfortunately will create differences for the entire population and hinder its every-day life. Frenchmen, it belongs to you. It is your responsibility. If I should have to increase the severity

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of these measures. I appeal to you all, to your administration and to your police, to cooperate through your extreme vigilance and your active personal intervention in the arrest of the guilty. It is necessary, by anticipating and denouncing the criminal activities, to avoid the creation of a critical situation which would plunge the country into misfortune. He who fires from behind on German soldiers who are here doing only their duty and who are safeguarding the maintenance of a normal life, is not a patriot -- he is a cowardly assassin and the enemy of all respectable men. Frenchmen, I count on you to understand these measures which I am taking, which are taken also in your own interests. Signed von Stuelpnagel."

Numerous notices follow which allhave to do with executions.

Under No. 8 on the following page you will find a list of twelve names among which are three of the best known lawyers of the Parisian Bar, who are characterized as militant Communists -- Pitard, Hajje, Rolnikas.

In File 21, submitted by my colleagus M. Gerthofer, in the course of his economic presentation, you will find a few notices which are similar, published in the official German newspaper "Vobi".

You will observe, in connection with this notice of the 16th of September, relating the assassination of M. Pitard and his companions, that the murderers hadneither the courage nor the honesty to say that these were Parisian lawyers. Is it through a mistake? I think that it is a calculated lie, for at this time it was necessary to handle the Elite gently. The occupying power still hoped to separate them from the others.

I shall describe for you in detail two cases which spread grief in the hearts of the French in the course of the month of October 1941, and which have remained present in the memory of all my compatriots, those which are known under the name of "executions of Chateaubriant and of Bordeaux". They are related in Document 415 in your document book, which I submit under number 285 before the Tribunal.

After the attack on two German officers at Nantes in October 1941, and in Bordeaux a few days later, the German Army decided to set an example. You will find, on page 21 of Document 415, a copy of the notice put in a newspaper on the 22nd of October, 1941. This is the newspaper "Le Phare".

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"Notice. Cowardly criminals in the pay of England and of Moscow have killed with shots in the back the Feldkommandant of Nantes on the morning of the 20th of October 1941. Up to now the assassins have not been arrested. In expiation of this crime I have ordered that 50 hostages be shot to begin with. Because of the gnavity of the crime, 50 more hostages will be shot in case the guilty should not be arrested between now and 23rd of October 1941 at midnight."

The conditions under which these reprisals were exercised deserve to be related in detail.

Stuelpnagel, who was commanding the German troops in France, ordered the Ministry of the Interior to designate prisoners. These prisoners were to be selected among the Communists who were considered the most dangerous. These are the terms of the letter of Stuelpnagel. A list of 60 Frenchmen was furnished by the Minister of the Interior. This was Puches. He has since been tried by my compatriots, sentenced to death and executed.

On the first page you will find a copy of the letter addressed by the Subprefect of Chateaubriant to the Commandatur of Chateaubraint, after the order which he received from the Minister of the Interior:

"After our conversation of today, I have the honor of confirming to you that the Minister of the Interior has communicated today with General von Stuelpnagel in order to designate to him the most dangerous Communist prisoners among those who are now held at Chateaubriant. You will find enclosed herewith the list of 60 individuals who have been handed over on this day."

On the following page is the German order:

"Because of the assassination of the Feldkommandant of Nantes, Lt. Col. Hotz, on 20 October 1941, the following Frenchmen, who were already imprisoned as hostages in execution of my publication of 22 August 1941, and of my decree to the Chief of the French Government of September 1941, are to be shot."

In the following pages you will find a list, which I shall not read, of all the men who were shot on that day. I leave out the reading of the list in order to abbreviate the debate.

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On page 16 you will find a list of 48 names. On page 13 you will find the list of those who were shot, in Nantes. On page 12 you will find the list of those who were shot in Chateaubriant. On these two lists you will observe that the bodies were sent out to all the communities.

I shall read to you the testimony of eyewitnesses as to how they were buried after having been shot. On page 3 of this document you will find the note of M. Dumenil concerning the executions of the 21st of October 1941, which was drawn up the day after these executions. The second paragraph reads:

"The Abbe Fontaine was called at 11:30 to theprison of La Fayet. An officer, probably of the GFP, told him that he was charged with announcing to certain prisoners that they were going to be shot. The priest then went into a room with the three hostages who were at the prison. The other three, who were at Rochettes, were interviewed by Abbe Theon, professor at the College Stanislas.

"The Abbe Fontaine said to the condemned, 'Gentlemen, you must understand, alas, what my presence means.' He spoke then with the prisoners collectively and individually for the two hours which the officers had said would be granted to arrage the personal affairs of the condemned and to write their last wills to their families. The execution had been set for 2 o'clock in the afternoon, half an hour having been allowed for the trip, but the two hours passed by, another hour passed, and still another hour before the condemned were fetched. Certain ones, who were naturally optimistic, like M. Fourny, hoped already that a countermanding order would be given, in which the priest himself did not at all believe.

"The condemned were all very brave. It was the two youngest, Gloux and Grolleau, who were students, who constantly encouraged the others, saying that it was better to die in this way than to perish uselessly in an accident.

"At the moment of leaving, the priest, for reasons which were not explained to him, was not authorized to accompany the hostages to the place of execution. He went down the stairs of the prison with them as far as to the car. Two were chained together. The third had on handcuffs. Once they were in the truck, Gloux and Grolleau made another motion of goodby to him, smiling and waving their hands that were chained together."

It is signed "Dumenil, Counsellor attached to the Cabinet."

Sixteen were shot in Nantes. Twenty-seven were shot in Chateaubriant. Five were shot outside the department. For those who were shot in Chateaubriant, we know what their last moments were like. The Abbe Moyon, who was present, wrote on the 22nd of October 1941, page 17 of your document, the account of this execution. This is the third paragraph, page 17.

"It was on a beautiful autumn day. The temperature was mild. The lovely sun had shown since morning. Each one in the town was

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going about his usual business. There was gread animation within the town since it was Wednesday, which was market day. The population knew from the newspapers and from the information it had received from Nantes that a superio officer had been killed in a street of Nantes, but they refused to believe tha such ferocious and extensive reprisals would be applied.

"At the camp of Choisel, the German authorities had, for some days, put into special quarters certain number of men who were to serve as hostages in case of special difficulties. It was from among these men that those who were to be shot on this evening of 22 October 1941 were chosen.

"The Cure of Bere was finishing his lunch when M. Moreau presented himself. M. Moreau was Chief of the Camp of Choisel. In a few words, the latter explained to him the object of his visit, that, having been delegated by M. Lecornu, the Subprefect of Chateaubriant, he came to inform him that 27 men selected among the political prisoners of Choisel were going to be executed in the court in the afternoon, and he asked Monsieur le Cure to go immediately to see them and to be with them.

"The priest said he was ready to accomplish this mission, and he went to the prisoners without delay. When the priest appeared to carry out his missi the Subprefect was already among the condemned. He came to announce to them the horrible fate which was awaiting them, asking them to write their letters of farewell to their families without delay. It was under these circumstance that the priest presented himself at the entrance of the quarters."

You will find on page 19 the departure for the execution, paragraph 4:

"Suddenly there was the sound of automobile engines. The door, which I had shut at the beginning so that we might be more by ourselves, opened. A German officer appeared. He was actually a military priest. He said to me, 'Monsieur Cure, your mission has been accomplished and you must withdraw immediately.'"

At the bottom of the page, the last paragraph:

"The quarry where the execution took place was forbidden of access to al Frenchmen. I know only that the condemned were executed in three groups of nine men, that all the men who were shot refused to have their eyes bound,

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that the young Mocquet fell, having lost consciousness, and that the last cry that sprang from the lips of all of them was an ardent 'Vive la France'".

On page 21 of the same document you will find the declaration of Police Officer Roussel. It also is worth reading:

"The 22nd of October 1941, at about 3:30 in the afternoon, -- as I was, on the 11th of November, in Chateaubriant -- I saw coming from the Camp of Choisel four or five German trucks, without being able to tell exactly, preceded by an automobile, a sedan, in which was a German officer. Several civilians with handcuffs were in the trucks and were singing patriotic songs, the Marseillaise, the Chant du Depart, and so forth. One of the trucks was filled with armed German soldiers.

"I learned subsequently that these were hostages who had just been taken from the camp of Choisel to be led to the quarry of Sabliere on the Soudan Road to be shot in reprisal for the murder in Nantes of the German Colonel Hotz.

"About two hours later, these same trucks came back from the quarry and entered the court of the Chateau of Chateaubriant, where the bodies of the men who had been shot were deposited in a cellar of the chateau, awaiting disposition.

"On coming back from the quarry, the trucks were covered and one heard no noise, but a stream of blood escaped from the latter and left a mark on the road from the quarry to the castle.

"The following day, on the 23rd of October, the bodies of the men who had been shot were put into coffins without any French persons being present, the entrances to the chateau having been guarded by German sentinals, and these were taken to cemeteries of the surrounding communities, that is, three coffins per community. The Germans were careful to choose communities where there was no regular transport service, presumably to avoid the population's going en masse to the tombs of these martyrs.

"I was not present at the departure of the hostages from the camp nor at the shooting in the quarry of Sabliere, as the approaches to it were guarded by German soldiers armed with machine guns."

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Almost at the same time, in addition to these 48 hostages who were shot, there were others who were to be added, those of Bordeaux. You will find in your document book, under No. F-400, documents which have been communicated to us by the Prefecture of Gironde, which we submit to the Tribunal under No. 286.

You will finde the first document coming from the Section of Political Affairs, dated 22 October 1941, marked F-400-C, at the bottom of which you will read -- the last paragraph:

"In the course of the conference which took place last night at the Feldkommandatur of Bordeaux, the German authorities asked me to proceed immediately to the arrist of 100 individuals known for their sympathy for the Communist Party or the Gaullist movement, who will be considered as hostages, and to a great number of house searches.

"These operations have been in process since this morning. So far no interesting result has been called to my attention. In addition, this morning at 11 o'clock the German authorities have made known the reprisal measures which they had decided to take towards the population." These reprisal measures you will find set forth on page "A" of the same document in a letter addressed by General von Faber Du Faur, Chief of the Regional Administration of Bordeaux, to the Prefect of Gironde. I quote:

"Bordeaux, 23 October 1941.

"To the Prefect of Gironde:

"Following upon the cowardly murder of the Councilor of War, Reimers, the High Military Command in France has ordered fifty hostages to be executed The execution will take place to-morrow. In case the murderers should not be arrested in the very near future, other measures will be taken as in the case of Nantes.

"I have the honor of making known this decision to you.

"Chief of the Military Regional Administrati

"von Faber Du Faur"

And all of these men were executed.

There is a famous place in the suburbs of Paris which has become a place

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of pilgrimage for the French since our liberation. This is the Fort of Romainville. During the occupation the Germans subsequently formed this fort into a hostage depot where they put their victims when they wanted to make an example of a patriotic demonstration. It is from Romainville that Professors Jacques Solomon, Decourtemanche, Georges Politzer, Dr. Boer, and

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six other Frenchmen went forth. They had been arrested in March, 1942, tortured by the Gestapo, then executed without trial in the month of May, 1942. On the 19th of August, 1942, 96 hostages went out from this fort; among them Monsieur Le Gall, Municipal Councillor of Paris. All were taken to Romainville and executed.

In September, 1942, an assault had been made against some German soldiers at the Rex motion picture theatre in Paris.

On 27 October General von Stuelpnagel put forth a proclamation announcing that because of this assault he had caused 116 hostages to be shot and that important measures of deportation were to be taken.

You will find an abstract from this newspaper in document 402 under letter "B"--at 402 B. This notice was written in these terms.

"As a result of assaults committed by Communist agents and terrorists in the pay of England, German soldiers and French civilians have been killed or wounded. By way of reprisal against these assaults I have had 116 Communist terrorists shot whose participation or implication in terroristic acts have been proved by confessions. In addition, severe measures of repression have been taken to prevent incidents on the occasion of demonstrations planned by the Communists for 20 September, 1942. I ordered the following.

"From Saturday, 19 September, 1942, at 3 o'clock in the afternoon, until Sunday, 20 September, 1942, at midnight, all motion picture houses, cabarets and other places of amusement shall remain closed to the French population in the Departments of the Seine, Seine-et-Oise, Seine-et-Marne; all public demonstrations, including sport activities, are forbidden.

"From Sunday, 20 September, 1942, from 3 o'clock in the afternoon until midnight, it is forbidden to non-German civilians to circulate in the streets and on public squares in the Departments

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of the Seine, the Seine-et-Oise and the Seine-et-Marne. The only exceptions are persons representing official services, etc."

In truth, it was only on the day of the 20th of September, 1942, that 46 of these hostages in the list of 116 were chosen. The Germans had the prisoners of Romainville handed the newspapers of the 20th of September, announcing the decision of the High Military Command. It is, therefore, through the newspapers that the prisoners of Romainville learned that a certain number of them would be chosen at the end of the afternoon to be led before the firing squad. All lived during the day in expectation of the call that would be made that evening. Those who were called knew their fate beforehand. All died innocent of the crimes for which they were being executed, for those who were responsible for the assault in the Rex theatre were subsequently arrested. It was in Bordeaux that the 70 other hostages of the total of 116 announced by General von Stuelpnagel were executed.

In reprisal for the murder of Ritter, the German official of the Labor Front, 50 other hostages were shot in late September, 1943, in Paris. You will find in this same file, 402-C, a reproduction of the newspaper article which announced to the French people the reprisals against terroristic acts. The assaults and acts of sabotage have multiplied in France in recent days. For this reason 50 terrorists convicted of having participated in acts of sabotage and of terrorism have been shot on the 2nd of October, 1943, on the order of the Higher SS and the Polizeifuehrer. All these facts concerning the hostages of Romainville have been related to us by one of the survivors, one of the hundreds of Frenchmen locked in this fort, Monsieur Rabate, a mechanic living on 69 rue de la Tombe-Issoire Square in Paris, whose testimony was taken by one of our collaborators. You will find this testimony under letter "A" in the document of 402, if I am not mistaken, which has already been submitted under number 287. That is number 402 A at the bottom of

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the page number 1. You will read:

"There were 70 of us, among whom the Professors Jacques Solomon, Decourtemanche, Goerges Politzer, Dr. Boer, Mrs. Engros, Dupach, Cadras, Dalidet, Golue, Pican, were shot in the month of May, 1942, and an approximately equal number of women transferred, some of them to the German quarter of the Sante, the Parisian prison, the majority of them to the military prison of Cherche Midi in Paris. We were questioned in turn by a Gestapo officer in the quarters of the rue des Saussaies. Certain of us, more particularly Politzer and Solomon, were tortured to the point of having, according to the testimony of their women, their members broken.

"In questioning me the Gestapo officer confirmed this to me. I repeat his words here.

"'Rabate, you will have to speak. Professor Langevin's son-in-law came in here arrogant. He went out crawling.'

"This is how the occupying power treated our intellectuals.

"After a period of five months in the prison of Cherche Midi, in the course of which we learned of the execution as hostages of 10 of the prisoners, the 10 prisoners already mentioned, we were transferred, on the 21st of August, 1942, to the Fort of Romainville. It is to be noted that from the day of our arrest we were forbidden to write or to receive mail, to make known to our families where we were. On the doors of our cells was written, 'Alles Verboten" (Everything is Forbidden). We received only the strict food ration of the prison, namely, three-fourths of a litre of vegetable soup and two hundred drams of black bread per day. The crackers sent to the prison for political prisoners by the Red Cross or by the Quakers Association were not given to us because of this prohibition. In the Fort of Romainville we were interned as isolated prisoners, an expression corresponding to the "NN", Nacht und Nebel, which we have heard of in Germany."

THE PRESIDENT: M. Dubost, the Tribunal thinks that, unless

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there is anything very special that you wish to read in any of these documents -- They have already heard the number of the hostages who were put to death and they think that it really doesn't add to it--the actual details of these documents.

M. DUBOST: I thought, Mr. President, that I had not spoken to you of the regimen to which the prisoners were subjected by the German Army. I thought that it was my duty to enlighten the Tribunal on the condition of these men in the German prisons. I thought that it was my duty to enlighten the Tribunal on the ill-treatment carried out by the Gestapo who left the son-in-law of Professor Langevin with his limbs broken.

THE PRESIDENT: If there are matters of that sort which you think it right to go into, you must do so, but the actual details of individual shooting of hostages we think you might, at any rate, summarize. But if there are particular atrocities which you wish to draw our attention to, by all means do so.

M. DUBOST: This was what I had thought I should do. I give you only two examples of executions out of the multiple executions which have caused 29,660 deaths.

THE PRESIDENT: Go on.

M. DUBOST: In the region of the North of France, which was administratively attached to Belgium and subjected to the authority of General von Falkenhausen, the same policy of execution was practised. You will find document RF-123, submitted under No. 288, the reproduction of a great number of posters announcing either arrests or executions or deportations. Certain of these posters include, moreover, an appeal to denunciation, and they are analogous to those which I read to you in connection with France. Perhaps it would be well, nevertheless, to point out the ones that you will find on page 3 relative to the execution of 20 Frenchmen, ordered as a result of theft, that on page 4 which concerns the execution of 15 Frenchmen prescribed as a result of an assault against a railroad

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installation, and finally, especially the last, the one that you will find on pages 8 and 9, which announces that executions will be carried out and that invite the civilian population to hand over the guilty ones, if they know them, to the German Army.

As concerns especially the countries of the West other than France, we have a very great number of cases. You will find in your document book, under number 680-A, a copy of a poster by the Military Commander-in-Chief for Belgium, and in the North of France, which announces the arrest in

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Tournai on 18 September 1941 of twenty-five inhabitants as hostages, on which it specifies the condition under which certain ones of them will be shot if the guilty are not discovered. But you will find, especially, under No.680, a remarkable document because it comes from the German authorities themselves, which is the secret report of the German Chief of Police in Belgium under date of 13 September 1944; that is to say, when Belgium was totally liberated and this German official was summarizing for his chiefs his service during the occupation of Belgium. This document will be deposited under No. 290. On the first page of this document you will find the following passage, which is taken from it:

"The growing excitement of the population by the radio and the press of the enemy which urge them to acts of terrorism and sabotage" -- this is applied to Belgium -- "the passive attitude to the population and, in particular, to the Belgian administration, the complete failure of the public ministries, the prosecutions of the judges and of the judicial police in discouraging and preventing terrorist acts have at last led to preventive and repressive measures of the most rigorous kind, that is to say, to the execution of persons closely related to the groups which have committed guilty acts.

"Already, on the 19th of October 1941, on the occasion of the murder of two police officials in Tournai, the military commander-in-chief declared by an announcement appearing in the press that all the political prisoners in Belgium would be considered as hostages, effective immediately. In provinces of the north of France, subject to the jurisdiction of the same military commander-in-chief, this ordinance went into effect on the 26th of August 1941. Through repeated notices appearing in the press the civilian population has been informed that political prisoners taken as hostages will be executed if the murders continue to be perpetrated.

"Consequent upon the assassination of Mr. Teughels, Rexist Mayor of Charleroi, and other attempts at assassination against public officials, the military commander-in-chief has been obliged to order for the first time in Belgium the execution of eight terrorists. The date of the execution is 27 November 1942."

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On the following page of this same document, 680, you will find another order under date of 22 April 1944, secret, sent by the military commander in Belgium and in the north of France, having as its subject, "Measures of Expiation." For the murder of two Wallons SS, five hostages were shot on that day. On the following page nine hostages are added to these five, and a tenth still on the following page. Then five others on the following page. You will find, finally, on the next to the last page of the document, a projected list of persons to be shot in expiation of the murder of SS men. Compare the dates, and judge the ferocity with which the execution of these two Wallon traitors were expiated.

Finally, under Number 7, you will see the names of the 20 Belgian patriots who were thus murdered.

THE PRESIDENT: Which page did you say?

M. DUBOST: The last page, page 6, the last document reproduced, on the last page. I have not read it not to lengthen the case, but I shall read it, if you will.

"Nouveau Journal" -- the New Paper notice -- "25 April 1944.

"Measures of expiation for the murder of the fighters of Tcherkassy. The German authority communicates: the author, the perpetrators of the attempted assassination, perpetrated on 6 of April against members of the SS Sturmbrigade Wallonie, and fighters of Tcherkassy Hubert Stassen and Francois Musch -- M-u-s-c-h -- have not been apprehended until up to now. In consequence, and in accordance with the communication dated 10 April 1944, the 20 terrorists whose names follow have been executed:

"Renatuo Dierick of Louvain; Antoine Smets of Louvain; Jacques van Tilt of Hdsbeck; Emilien van Tilt of Holsbeck; Franciscus Aerts of Herent; Jean Van der Elst of Herent; Gustave Morren of Louvain; Eugene Hupin of Chapelle-lez-Herlaimont; Pierre Leroy of Boussois; Leon Hermann of Montigny-sur-Sambre; Felix Trousson of Chaudfontaine; Joseph Grab of Tirlemont; Octave Wintgens of Baelen-Hontem; Stanislaw Mrozowski of Grace-Berleur; Marcel Boeur of Athus; Marcel Dehon of Ghlin; Andre Croquebois de Pont-des-Briques b. Boulogne; Gustave Hos of Mons; and Walter Kriss of Herent."

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THE PRESIDENT: We will adjourn now for ten minutes.

(Whereupon at 1540 hours a short recess was taken)

M. DUBOST: As far as the other Western countries are concerned, as Holland, Norway, we have received documents which we submit under the number F-228. We submit this document as Document 291. Page 2 of the document 224 in the French text you will find a long list of civilians who were executed. And on pages 4 and 5 you will find a report of the chief of the criminal police, Munt, in connection with these executions, and you will observe that Munt tries to prove his own innocence without succeeding, I believe.

On page 6 you will find the account of an investigation at which he was present in Holland, and the result of the discovery of numerous bodies --

THE PRESIDENT: I am not following this. Did you say 224? Which document is it you are on?

M. DUBOST: 224.

THE PRESIDENT: I see the list of names, and then what was it you were referring to at the end of it? You said page 6. I have only got page 5.

M. DUBOST: Document 224-A in your document book, which was submitted under the number 277.

THE PRESIDENT: Yes, I have 6 now.

M. DUBOST: On this page you will find, page 6, the account of an investigation relative to mass executions which the Germans carried out in Holland. I don't think it is necessary to read this investigation. It brings no new factual element and simply emphasizes the thesis that I have been presenting since this morning: that in all the Western countries systematically the German military authorities carried out executions of hostages in reprisal.

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On page 8, second paragraph, you will see that in March, 1945, an order was given to shot eighty prisoners, and the authority who gave this order said: "I don't care where you get the prisoners" -- execution without any designation of age or profession or origin.

On page 9 the Tribunal will see that a total of 2080 executions were attained -- that is on line 6 and 7.

On page 9, paragraph one, the Tribunal will note that as a reprisal for a murder committed against an SS soldier, a house was destroyed and several Dutchmen were executed and, in addition, two other houses were destroyed. Under Number 2, several others were executed, and under number 3, fourteen. In total, three thousand Dutchmen were executed under these conditions, according to the testimony of this document, which was established by the War Crimes Commission, signed by the Chief of the Dutch Delegation to the International Military Tribunal.

Page 33 and 34 of this document gives the approximate number of victims, region by region. The Tribunal will excuse me if I do not read this page, it seems unnecessary.

I would not like to conclude the statement as to hostages concerning Holland without drawing the attention of the Tribunal to Document 224B, which gives a long list of hostages, prisoners or those who are dead, arrested by the Germans in Holland. The Tribunal will observe that most of these hostages were intellectuals or very highly placed personages in Holland. We note therein, names of assemblymen, lawyers, senators, Protestant clergymen, judges, and amongst them we find a former Minister of Justice. The arrests were made systematically among the intellectual elite of the country.

As far as Norway is concerned, the Tribunal will find in a document, submitted under Number 292, a short report as to the executions which the Germans carried out in that country.

On the 26 of April, 1942, two German policemen, who tried to arrest two Norwegian patriots, were killed on an island on the west coast of Norway. In order to avenge this, four days later eighteen young boys were shot without trial. All these eighteen Norwegians had been in prison since the 22 of February of the same year and therefore had nothing to do with this affair.

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In the first paragraph of the document in the French document book, and which is page 22 of the Norwegian original, it states that on the 6 of October, 1942 ten Norwegian citizens were executed in reprisal for various attempts at sabotage.

On the 20th of July, 1944, a indeterminate number of Norwegians were shot without trial. They had all been taken from a concentration camp. The reason for this is unknown.

After the German capitulation the bodies of forty-four Norwegian citizens were found in graves. All had been shot and we do not know the reason for their execution; it has never been published, and we do not believe they were tried. The executions were effected by a shot through the back of the neck or a revolver bullet through the ear, the hands of the victims being tied back. This information, as given, comes from the Royal Government of Norway and was sent to this Tribunal.

I draw the attention of the Tribunal to a final document, R-134, signed by Terboven, which is relative to the execution of eighteen Norwegians who were prisoners, who tried in an illegal fashion to reach England.

It is by thousands and tens of thousands that in all the Western countries citizens were executed without trial, in reprisal for acts in which they never participated. It does not seem necessary to me to multiply these examples. Each of these examples inculpates each individual and some individuals who are not within the competency of this Tribunal. The examples are only of interest in the measure that they show that the orders of the defendants were carried out and notably the orders of Keitel. I believe that I have amply proved this. It is incontestable that in every case the German Army was concerned with these executions and it was not done by the police or the SS.

It did not achieve the desired results. Far from reducing the number of crimes, it increased them. Each attempt was followed by an execution of hostages. Every shooting of hostages occasioned more attempts on lives. In a general way, new executions of hostages plunged the country out of a sort of stupor and forced every citizen to become conscious of the fate of the country, despite the efforts of the German propaganda. Before this

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terroristic policy we might believe that the defendants might have modified their practice. Far from modifying them, they reinforced them. I shall strive to show how this policy was carried out from the time when the policy of hostages had failed, it was necessary to appeal to the German police to keep in servitude the occupied countries. With the failure of the policy of the execution of hostages there followed, as you remember, by General Falkenhausen in Belgium, arbitrary arrests to the point of becoming a constant practice, substituted for that of arrests of hostages.

We submit to the Tribunal document RS-94.

THE PRESIDENT: Will you say the number of the document again?

M. DUBOST: 715-PS.

THE PRESIDENT: That is the first document in the document book?

M. DUBOST: The first document in the book.

This document concerns the arrest of general officers who were to be transferred to Germany in protective custody.

"Purpose: Measures to be taken against French Officers.

"In agreement with the German Embassy in Paris and with the Chief of the Security Police in the Security Department, the High Command in the West makes the following proposals;

"First: The general officers enumerated below will be arrested and transferred to Germany in honorable custody: The Generals of the Army Frere--' who died subsequently in Germany after his deportation -- "Gerodias, Cartier, Revers, de Latre de Tassigny, Fornel de la Laurencie, Robert de Saint-Vincent, Laure, Doyen, Pisquendar, Mittelhauser, Paquin; Aviation Generals Bouscat, Carayon, de Geferier, D'Harcourt, Mouchard, Mendigal, Rozoy; Colonels Loriot and Fonck

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I continue on Page 2:

"It concerns generals whose names have a propaganda value in France and in foreign countries or whose attitude and capacities represented a danger."

I pass over paragraph two.

"Moreover, the information service in France has put in its files in France about 120 officers who by their anti-German attitude during the last two years have come into the foreground. For its part, the Security Service, the SD, gave a list of 130 officers who had been previously accused. After the compilation of these two lists, the arrests of these officers at a later date, depending on the situation was to be prepared."

The sixth paragraph at the bottom of the page:

"Concerning all officers of the French Army of the Armistice, the Chief of the Security Police, in collaboration with the High Command of the West, organized, during a police checkup taking place the same day in all the territory, a check of domiciles and of professional occupation."

Page 3, paragraphs 7 and 8:

"As a measure of reprisal, families of suspected persons having already shown themselves dissenters or who might become such in the future, will be transferred as internees to Germany or in the territory of Eastern France. For these the question of billeting and surveillance must be first of all solved. Afterwards we can contemplate as a later measure the withdrawal of their French nationality and the confiscation of property, already carried out in other cases by Laval. The police and the army will be joined in all of these arrests."

A telegram in cipher shows that the Minister of Foreign Affairs himself is concerned in this. Document 723-PS, which becomes Document 295, will be read in this session. It is the third document of the document book. It is addressed to the Minister of Foreign Affairs and is dated Paris, June 5, 1943:

"In the course of a conference which took place yesterday with the representatives of the High Command of the Western Front and the Security Service, the SD, the following agreement was carried out concerning measures to be taken:

"These measures must have for a purpose to make impossible through preventative measures, the escape from France of well-known soldiers and at

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the same time to prevent these personages from organizing themselves, in the event of an Anglo-Saxon invasion of France, in any resistance movement.

"The personages to whom these measures apply all belong to the military circles--officers who by their rank and experience or by their name would strengthen in a capital fashion the military command or the political credit of the dissenters in the event that they should decide to join them. In the event of military operations in France, we must consider them as being of the same importance."

Page 2, fourth paragraph:

"The list has been established in agreement with the High Command of the West, the Chief of the Security Police, and the General of Aviation in Paris."

I'll not read these new names of High French Officers who were to be arrested, but I'll ask you to go to Page 4, where the Tribunal will see in the second paragraph that the German authorities contemplate "causing officers already arrested by the French Government to undergo the same fate as officers who had been placed under the surveillance of the French authorities, such as Lattre de Tassigny, Laure, Fornel, La Laurencie. These generals should be literally torn away from the French authorities to be deported."

Paragraph 3 as follows:

"Considering the general situation at present and the security measures which are envisaged, all officers present are even now considering it inopportune to keep these generals in French custody, for they might, either through negligence or with the voluntary aid of the personnel of the guard, escape and recover their liberties."

Page 7, under Roman Numberal IX, concerning reprisals against their families:

"General Warlimont had asked the Commander in Chief of the Western Front to raise the question of reprisal measures to be taken against the families of persons who had become dissenters and to make certain proposals concerning them eventually. President Laval declared himself ready, not long ago, to take measures of this kind in behalf of France, but to limit himself, nevertheless, to families of several outstanding personalities."

I refer to the paragraph before the last of the telegraphic report No. 3,486 of May 29, 1943:

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"They were to wait to see if Laval really was ready to apply in a practical way such measures. All those present at the meetings were in agreement, in any event, that such measures should be taken as rapidly as possible against families of well-known personages who had become dissenters. For example, members of the family of General Giraud, Juin, Georges, the former Minister of the Interior, Pucheu, Inspector of Finance, Couvre de Murville, Roy Beaulieu and others. The measures may also be carried out by the Germans, since the persons who have become dissenters may be considered as foreigners belonging to an enemy power, and the members of their families may be considered as such. In our opinion, the members of these families were to be interned. We must verify with care how these measures are carried out in fact."

I skip one paragraph:

"We might also study the question of whether these families should be interned in regions particularly exposed to air attacks; for instance, proximity to Talsperren or industrial regions which are particularly bomb targets. A list of families who are being interned is to be formulated in collaboration with the Embassy."

In the premeditation of criminal arrests, we find mingled the defendant Ribbentrop, the defendant Goering, the Defendant Keitel; for it is their departments who made these proposals, and we know that these proposals were agreed to.

Document 720-PS becomes document F293.

The second in your document book shows in my --

THE PRESIDENT: In my document book it is what?

MR. DUBOST: It is the second in the document book which was handed to the Tribunal before this session, 720-PS. S-293. We must point out the participation of foreign arrests through the OKW. It is a fact that these arrests were carried out on members of the family of General Calier who were deported. General Frere was deported and died in the concentration camp. The orders were carried out. They were approved, before being carried out, to the approbation and recommendation of the defendants, whose names I just gave you. The arrests were not only directed at the officers, but were general. They were much more extensive, and they varied to a great number of French officers, who were arrested. We have no exact statistics.

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THE PRESIDENT: Did you produce any facts for your last statement?

M. DUBOST: I believe on the arrest of General Frere and his being in the concentration camp; I shall bring you the proof when I treat the concentration camps; of the arrest and death of several French generals in the concentration camps in Dachau, and, generally, the Tribunal still remembers the testimony of Blaha so far as the family of General Sicherheit is concerned. I shall bring this proof to you. I didn't believe it was necessary, as this was a well-known public fact, that the family of General Georges was deported. It is a matter of public knowledge.

THE PRESIDENT: Are you sure that we can take judicial notice of all the facts which may be public knowledge in France?

M. DUBOST: I shall submit to the Tribunal the supplemental proof concerning these people as soon as I receive it. It is in a camp that I will show you how he was murdered. On the other hand, there exists a document in the Document Book under No. 470, submitted as 297, which was captured

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from the German Armistice Commission, which establishes that the German authorities refused to free French generals who were prisoners.

As to that question in paragraph two, the Fuehrer always had had, so far as this question was concerned, an attitude of refusal, not only from the point of view of their freeing, but so far as their hospitalization in neutral countries was concerned. That is S-417, the fourth document in your document book.

THE PRESIDENT: Yes.

M. DUBOST: "As to the freeing and hospitalization today, we will now consider the Fuehrer as ordering the transfer to Germany of all French generals living in France. That was signed by Warlimont, and in the manuscript it is noted, "No reply to be given to the French". A "no" to approve this last paragraph, after the Fuehrer had ordered a transfer to Germany of all the French generals living in France. But I shall show you these arrests were surpassed by an infinite number, -- or a limited scope of generals, -- or the families of well known persons, who were envisaged by the document which I just read to the Tribunal. A very great number of French were arrested. We have no statistics, but we have an idea of the number, which is considerable according to the figures of the French, who died in the one French prison alone under a German commander and supervised by German personnel under the General Doenick occupation; that forty thousand Frenchmen died in one French prison alone in France. This is shown in a document which will be submitted later in the case against atrocities, and which I shall submit at the end of my statement, which comes from the Ministry of Prisoners and Deportees, an official figure produced by the Ministry on the prison registry of the Reich Security and Custody, presented by my American Colleague and shown the Tribunal. It is on the case of custody when they read document 1723-PS, submitted under No. 266. It is useless that we should go back to this document. It is adequate to remind the Tribunal that the Prison and Security Custody were considered by the German authorities as the strongest measure destined to inform one in visit fashion of all foreigners who through mutual arrangement should neglect their attitude towards the German community, and compromise the security of the German State; they have to conform to the general interes, and to the doctrine as a disciplinary measure of the state.

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This custody, which was called A Security Custody, of which the Tribunal remembers clearly; an arbitrary custody of arrest of those who were interned in security arrests that had no right. They could not justify themselves. There were no tribunals before which they could ask for justice. Now we know through official documents which were given to us, notably by Luxembourg, of a very abundant application of this particular custody being carried out. The Tribunal will read in Document S-229, already submitted as USA 243, S-215, a list of twenty-five persons arrested and placed in different concentration camps under protective custody.

The Tribunal will recall that our colleagues drew the attention of the Tribunal to the case of the arrest of Ludwig, because he was strongly suspected of having aided deserters. Bottom of the page. The testimony of the application of protective custody in France is given in our Document RS-300, submitted under No. 300, which follows in your document book.

THE PRESIDENT: 278.

M. DUBOST: Marked S-278 at the top, at the right. Copy marked VAA-723, Secret Minister of Foreign Affairs, Berlin, 18 September 1941. There is an error there. The date is not clear but we know it is 1941.

"Relating to the report of August 30, 1941, the explanations of the military command of the 1st of August are considered in general to be satisfactory for us to reply to the French note. Here, also, we consider there is every reason to avoid any new discussion with the French concerning preventive arrest, for this discussion can only end in a clear expression of the limits of the exercise of this power by the occupying power, which is not desirable in the interest of the liberty of action of the military authorities. The signature cannot be read; and below, the Representative of Ministry of Foreign affairs at Wiesbaden -- The Ministry of Foreign Affairs -- VAA P7 236, SECRET, Weisbaden, 3 February 1941 -- [illegible] of September, 1941, copy."

The representative of the Ministry requests to be kept informed in suitable time of the reply made to the French note. The Ministry of Foreign Affairs was still concerned with this question of protective custody.

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This arrest or custody was founded, according to the Ministry of Foreign Affairs and according to the testimony of this Document, this document was based on a very fragile foundation; nevertheless, the Minister for Foreign affairs does not forbit it. The arrests were carried out under multiple pretexts but all these pretexts may be allied to two general ideas; they arrested them either for political reasons or for reasons of race. The arrests were individual or collective, in one case as well as in the other; the pretexts were of a political nature from 1941 on. The French established that there was a certain synchronism between the evolution of political events and the rhythm of arrest. The French Document, which is at the end of your Document Book, Document 300, will show this. Page 3 to 6.

THE PRESIDENT: At the end of the document?

M. DUBOST: At the end of the document book is found, Mr. President, a book like this one; page 3 to 6.

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THE PRESIDENT: We have two documents.

M. DUBOST: Page 3 to 6. This book is a report of the Ministry of Prisoners -

THE PRESIDENT: You said page 326. I only have 125 pages in the book.

M. DUBOST: Beginning at page 3 to page 6. I believe that the copy which the Tribunal has, has the same appendages as mine. We begin with page 3, a description given by the Ministry of Prisoners and Deportees, the conditions under which these arrests took place, beginning in 1941, a critical period in the history of the war, since it was from 1941 that Germany was at war with the Soviet Union.

Page 7 of the German translations: "The synchronism between the evolution of political events and the rhythm of arrests is evident. The doing away between the line of demarcation between the occupied and non-occupied zones, the establishment of groups of existence, the formation of the Marquis, the result of the Bureau of Compulsory Labor, invasion of North Africa and invasion in Normandy, obviously relates to the figure of arrests whose maximum curve is found from the period of May to August 1944, especially in the southern zone and particularly in the region of Lyon. We repeat that these arrests were carried out by the Nationals of all the categories of the German repressive system, the Gestapo in uniform or in civilian clothes, SD, the Gendarmery, particularly at the demarcation line: Wehrmacht and SS."

Page 4, second paragraph:

"The arrests took on a characteristic of collective operation. At Paris, as a result of an attempt on someone's life, the 18th Arrondissement was rounded up by the Field Gendarmery. Its inhabitants, men, women, and children could not return to their homes and spent the night "where they could find shelter. A roundup was carried on in the Arrondissement".

I don't think that it is necessary to read the following, which resulted in the arrests at the University of Clairmont-Ferrand, which the Tribunal certainly remembers, which related also to the arrests in Brittany in 1944,

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at the time of the invasion.

The last paragraph:

"One cannot enumerate the cities and villages where other pretexts of conspiracy for attempted crime of killing families. Then the Germans proceeded roundups within the Bureau. The Germans carried out roundups when the Bureau of Compulsory Labor no longer furnished them sufficient labor. Roundup in Grenoble, the 24th of December 1942, the day, Christmas Day. Roundup at Cluny, in March 1944. Roundup at Figeac in May 1944. Most Frenchmen who thus have been rounded up were in reality not used to work in Germany but were deported, to be interned in concentration camps."

We might multiply the examples of these arbitrary arrests. In delving into official documents which have been submitted by Luxemburg, by Denmark, by Norway, by Holland, and by Belgium, these roundups were never justified on any juridical basis. They were never even considered as a penalty. They were always arbitrary and carried out without any apparent reason, for no apparent reason or at any rate, without any act of a Frenchman being notified as a reprisal.

Other collective arrests were made for racial reasons. They were of the same nature, they were of the same odious nature as the arrests made for political reasons. In page 5 of the official document of the Ministry of Prisoners and Deportees, the Tribunal may read a fewdetails, a few odious details which were involved in these arrests. The third line at the bottom of the page. "Certain German policemen were especially entrusted to seek out Jewish persons, according to their physiognomy. They called this group 'The Brigade of Physiognomists' . This verification sometimes took place in a public way as far as men were concerned. (At the station at Nice, some were unclothed with a revolver pointed at them). The Parisians remember these roundups in their quarters. The great police buses transported old men, women and children and brought them en masse to the Velodrome D'Hiver, under dreadful hygienic conditions, before taking them to Drancy, where they awaited deportation. The roundup of the month of August 1941, has remained famous. All the exits of the subway of the 11th

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Arrondissement were closed and all the Jewish in that quarter were arrested and imprisoned. The roundup of December 1941, particularly, was aimed at intellectual circles, and then there were the roundups of July 1942. All these cities in the southern zone, particularly Lyon, Grenoble, Cannes, and Nice, where numerous Jewish persons had taken refuge, became familiar with these roundups after the occupation of all France".

Then there is very exact specific information which is rather revolting. "They sought out all Jewish children who sought refuge with private citizens or with groups. In May 1944, they proceeded to arrest the children of the Colony of Eyzieux, and the arrests of children who had sought refuge in the Colonies of Ugif, in June and July 1944. I do not believe that these children were enemies of the German people." I do not know of what peril the German army might have suffered through these children.

THE PRESIDENT: Let us break off now.

(Whereupon at 1700 hours, an adjournment was called until 1000 hours the following day, 25 January 1946).